

ORDINANCE No. 186277

* Reaffirm the City American's With Disabilities Act Title II Non-discrimination Policy and establish rules, procedures and forms to implement the program (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On July 26, 1990, The American's with Disability Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or deny persons with disabilities the benefits of the agency's services programs or activities.
2. On February 5, 1992, City Council unanimously adopted Resolution 34945, which affirmed that all programs services and activities provided by the City are accessible to people with disabilities. The resolution affirmed that persons with disabilities should not be discriminated against when pursuing employment with the City. The Council designated the City-County Affirmative Action Office to coordinate and implement the City's efforts to comply with rules and regulations in the ADA, including program services, activities and employment.
3. On May 5, 1993, City Council adopted Resolution 35135, which affirmed the policy to provide access to City's programs, activities and services by approving a transition plan.
4. In October 2000, City of Portland and Multnomah County by mutual agreement terminated the intergovernmental agreement establishing a joint City-County Affirmative Action Office.
5. On October 17, 2001, City Council adopted resolution 36035, which established the City's Diversity Development/Affirmative Action Guiding Principles and Strategic Development Plan. The Strategic Development Plan called for an ADA Coordinating Committee to establish a citywide committee to coordinate the ADA initiative and training. Presently, the ADA Title II Program Manager manages a citywide group of representatives of all City bureaus. Title II of the ADA is an external facing requirement, assessing how the City of Portland is providing services to the public, rather than an internal review for purposes of employment. Each bureau has appointed an ADA Coordinator, who is charged with working with the Program Manager to increase access and remove barriers for persons with disabilities, assist with accommodation requests and resolve ADA complaints under Title II.
6. On May 25, 2006, Mayor Potter drafted a letter to all Bureau Directors outlining a Program Accessibility Policy to ensure compliance with Title II of the ADA and provide a system to provide accommodations requested by persons with disabilities.

7. On June 19, 2013, the City of Portland adopted the Civil Rights Title VI plan with the commitment to ensure that the City's programs, services and activities are accessible to all persons.

NOW THEREFORE, the Council directs:

- a. The City Council hereby reaffirms the previous policies to comply with Title II of the ADA and that the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- b. The Chief Administrative Officer is authorized to adopt rules, procedures and forms to assist in the implementation of the City of Portland's ADA Title II policy and program.
- c. The ADA Title II Program Manager in the Office of Management and Finance will manage the ADA Title II program, work with the bureaus to ensure that the City of Portland is in compliance with this policy, manage the citywide ADA Coordinator Program and manage the citywide Transition Plan.
- d. The ADA Title II Program Manager will provide a triennial report to City Council on citywide compliance with Title II.
- e. The ordinance is binding City Policy.

Section 2. The Council declares that an emergency exists because delay in the creation of rules, procedures and forms to implement the program could unreasonably burden the community of persons with disabilities; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

OCT 09 2013

Commissioner: Mayor Charlie Hales
Prepared by: Shoshanah Oppenheim:dseaton
Date Prepared: September 11, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By *Gayla Jennings*
Deputy

Page 2 of 2

Agenda No.
ORDINANCE NO.

186277

Title

* Reaffirm City of Portland's American's With Disabilities Act Title II Non-Discrimination Policy and Establish Rules, Procedures and Forms to Implement Program. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>OCT 04 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: OMF Bureau of Business Internal Services OMF CAO: Jack D. Graham <i>[Signature]</i> Bureau Head: Bryant M. Enge <i>[Signature]</i> Prepared by: Shoshanah Oppenheim:dseaton Date Prepared: September 11, 2013 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i> Council Meeting Date October 9, 2013	ACTION TAKEN:

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	



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ADM-18.21 - City of Portland American's With Disabilities Act Title II Non-discrimination Policy

Policy type: [Binding City Policies \(BCP\)](#)

Policy category: [Civil Rights](#)

Policy number: ADM-18.21

CITY OF PORTLAND AMERICAN'S WITH DISABILITIES ACT TITLE II NON-DISCRIMINATION POLICY

Binding City Policy

BCP-ADM-18.21

Search Code, Charter,
Policy

Keywords

Search

PURPOSE

Section 1. The Council finds:

1. On July 26, 1990, The American's with Disability Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or deny persons with disabilities the benefits of the agency's services programs or activities.
2. On February 5, 1992, City Council unanimously adopted Resolution 34945, which affirmed that all programs services and activities provided by the City are accessible to people with disabilities. The resolution affirmed that persons with disabilities should not be discriminated against when pursuing employment with the City. The Council designated the City-County Affirmative Action Office to coordinate and implement the City's efforts to comply with rules and regulations in the ADA, including program services, activities and employment.
3. On May 5, 1993, City Council adopted Resolution 35135, which affirmed the policy to provide access to City's programs, activities and services by approving a transition plan.
4. In October 2000, City of Portland and Multnomah County by mutual agreement terminated the intergovernmental agreement establishing a joint City-County Affirmative Action Office.

5. On October 17, 2001, City Council adopted resolution 36035, which established the City's Diversity Development/Affirmative Action Guiding Principles and Strategic Development Plan. The Strategic Development Plan called for an ADA Coordinating Committee to establish a citywide committee to coordinate the ADA initiative and training. Presently, the ADA Title II Program Manager manages a citywide group of representatives of all City bureaus. Title II of the ADA is an external facing requirement, assessing how the City of Portland is providing services to the public, rather than an internal review for purposes of employment. Each bureau has appointed an ADA Coordinator, who is charged with working with the Program Manager to increase access and remove barriers for persons with disabilities, assist with accommodation requests and resolve ADA complaints under Title II.

6. On May 25, 2006, Mayor Potter drafted a letter to all Bureau Directors outlining a Program Accessibility Policy to ensure compliance with Title II of the ADA and provide a system to provide accommodations requested by persons with disabilities.

7. On June 19, 2013, the City of Portland adopted the Civil Rights Title VI plan with the commitment to ensure that the City's programs, services and activities are accessible to all persons.

POLICY

NOW THEREFORE, the Council directs:

- a. The City Council hereby reaffirms the previous policies to comply with Title II of the ADA and that the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- b. The ADA Title II Program Manager in the Office of Equity and Human Rights (OEHR) will manage the ADA Title II program, work with the bureaus to ensure that the City of Portland is in compliance with this policy, manage the citywide ADA Coordinator Program and manage the citywide Transition Plan.
- c. The ADA Title II Program Manager will provide a triennial report to City Council on citywide compliance with Title II.
- d. The ordinance is binding City Policy.

Section 2. The Council declares that an emergency exists because delay in the creation of rules, procedures and forms to implement the program could unreasonably burden the community of persons with disabilities; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

HISTORY

Emergency Ordinance No. 186277, passed by City Council and effective October 9, 2013.

Amended by Ordinance No. 186755, passed by City Council August 13, 2014 and effective September 12, 2014.

General information

✉ cityinfo@portlandoregon.gov

📞 [503-823-4000](tel:503-823-4000)

📠 [503-823-6868](tel:503-823-6868) TTY

🗉 [711](#) Oregon Relay Service

City of Portland, Oregon



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ADM-18.20 - ADA Title II Complaint Procedures

Policy type: [Binding City Policies \(BCP\)](#)

Policy category: [Civil Rights](#)

Policy number: ADM-18.20

ADA TITLE II COMPLAINT PROCEDURES

Binding City Policy

BCP-ADM-18.20

Search Code, Charter,
Policy

Keywords

Search

HISTORY

Adopted by the Chief Administrative Officer January 10, 2014.

Filed for inclusion in PPD January 10, 2014.

Amended by Ordinance No. 186755, passed by City Council August 13, 2014 and effective September 12, 2014.

Amended by Director of Office of Equity and Human Rights September 19, 2019.

Related documents

[ADM-18.20 ADA Title II Complaint Procedures Administrative Rule](#)
(143.35 Kb)

General information

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ADM-18.20 - ADA Title II Complaint Procedures

ADA TITLE II COMPLAINT PROCEDURES

Binding City Policy

BCP-ADM-18.20

Purpose

It is the policy of the City of Portland (“the City”) that no person may be excluded from, denied benefits of, or be otherwise subjected to discrimination in any City program, service, administrative act, or activity, on the basis of their disability. To ensure and monitor the City’s ongoing compliance with Title II of the Americans with Disabilities Act, this Administrative Rule establishes procedures to investigate and equitably resolve complaints under Title II of the Americans with Disabilities Act (“ADA Title II”).

Scope

Any person or class of persons who believes they have been the been denied access and/or have experienced discrimination in the receipt of City benefits, programs or services based on their disability or perceived disability, in violation of ADA Title II, has the right to file a complaint under this Administrative Rule with the City.

This Administrative Rules applies to all programs, services, or activities of the City and its subrecipients and contractors.

This Administrative Rule provides procedures for early and equitable resolution of complaints under ADA Title II. This Administrative Rule does not provide compensatory or punitive damages for the complainant.

The City’s complaint procedures for ADA Title II claims under this Administrative Rule is not exclusive. A person who files a complaint with the City under this Administrative Rule may also file complaints with other local, state, or federal agencies, or the courts and may seek private counsel. If a complaint is filed with the City under this Administrative Rule and is filed externally during the same time period, the City’s ADA Title II complaint procedures under this Administrative Rule may be suspended pending outcome of the external complaint. Filing a complaint under this Administrative Rule does not toll the time for filing claims under applicable local, state, or federal statutes.

Pursuant to agency procedure, it may be necessary for the City to notify and coordinate with federal agencies on complaints filed with the City.

Limitations

A) These ADA Title II complaint procedures under this Administrative Rule do not apply to complaints that relate to matters outside the jurisdiction of the City and ADA Title II, including but not limited to complaints against county, regional, state, or federal agencies; Tri-Met; Metro; Port of Portland; school districts; or private individuals or companies.

B) These ADA Title II complaint procedures under this Administrative Rule do not cover complaints based on protections under other Civil Rights statutes or protected classes.

C) The intent of this Administrative Rule is to provide alternative internal investigation and dispute resolution separate from those established for legal action against the City. These ADA Title II complaint procedures may be suspended when complainants use a legal channel, such as filing a tort claim notice or other litigation. The Responsible Bureau will notify the complainant that the City will cooperate with the legal process and whether an internal investigation under these Rules will be abated.

D) Complaints pertaining to Portland Police Bureau conduct or policies are referred to the Independent Police Review ("IPR").

E) If a complaint is filed alleging discrimination not covered under these ADA Title II complaint procedures, the Responsible Bureau will notify the complainant that the complaint cannot be processed as an ADA Title II complaint and will be referred to the appropriate agency when possible.

ADA Title II Complaint Procedures

A) Filing a Complaint

1) To be accepted for review under these rules, the complaint must:

a) allege discrimination on the basis of disability or perceived disability;

b) be filed within one hundred eighty (180) calendar days of the alleged discrimination or when the alleged discrimination became known to the complainant; and

c) involve a City program, service, benefit, or activity, or an administrative act by the City or its employee, subrecipient, or contractor.

2) The complaint should be filed with the bureau, office, division, or City agency that is responsible for the facility, program, service, benefit, activity, event, communications, or contract or agreement, or where the situation, practice, or action implicated in the complaint took place ("Responsible Bureau").

If the identity of the Responsible Bureau is not known, complaints may be filed with the City's ADA Title II Manager for referral to the Responsible Bureau.

3) Complaints should be in writing if possible and may be in the complainant's preferred language. Complainants may use the complaint form provided by the City or any other mechanism. Complaints made orally should be transcribed in writing by the person receiving the oral complaint.

4) Complaints should include:

a) the complainant's name, address, phone number, email and/or other contact information;

b) the date of the alleged act of discrimination and/or the date when the complainant became aware of the alleged discrimination;

c) a brief description of the discriminatory act in sufficient detail to enable the Responsible Bureau to understand what occurred;

d) the basis for the alleged discrimination, including any information about the person(s) or class of persons who experienced the alleged discriminatory act(s); and

e) the names and contact information of any witnesses, including City employees or contractors.

B) Processing a Complaint

1) Complaint Tracking Number – the Responsible Bureau will assign the complaint a tracking number upon receipt of the complaint.

2) For purposes of this Administrative Rule, "business day" means when the City is open for business.

3) If a complaint meets the threshold requirements under (A)(1) of this section, the Responsible Bureau will:

- a) notify the complainant, in writing, within fifteen (15) business days of receipt, that the complaint is accepted to pursue an investigation, and provide the tracking number; and
- b) advise the complainant upon notification to accept the complaint that they have the right to file complaints with other local, state, or federal agencies, or the courts.
- c) send the ADA Title II Manager a copy of the complaint and Notice of Acceptance of the complaint.

C) Dismissing a Complaint

1) The Responsible Bureau may dismiss a complaint for any of the following reasons:

- a) the complainant withdraws the complaint;
- b) the complainant fails to respond to three or more requests for additional information needed to process the complaint;
- c) the complainant cannot be located; or
- d) the complaint does not meet the threshold requirements under (A)(1) of this section. If a complaint does not meet the threshold requirements under (A)(1), the Responsible Bureau will provide written notification to the complainant within fifteen (15) business days of receipt of the written complaint.

2) Notifications dismissing a complaint must provide:

- a) the basis of the dismissal and the tracking number, and
- b) advise the complainant that they have the right to file complaints with other local, state or federal agencies, or the courts.

3) If a complaint is dismissed under this subsection:

- a) the Responsible Bureau must retain a copy of the complaint and Notice of Dismissal in its complaint management record; and
- b) provide a copy of the complaint and Notice of Dismissal to the complainant and the ADA Title II Manager.

D) Investigating and Resolving a Complaint

1) Once a complaint has been accepted under (B)(3) of this section, the Responsible Bureau will manage and coordinate the complaint investigation, explore options for resolution, and attempt to resolve the complaint at the lowest level possible. Informal mediation as a means of resolution may be used at any stage. The Responsible Bureau may seek the technical assistance of The Office of Equity and Human Rights (OEHR) citywide ADA Title II Division and The Office of the City Attorney for advice on investigating and responding to the complaint. Bureaus and offices may establish additional policies and procedures for complaint investigation and resolution as appropriate to internal operations and administration and in accordance with these rules.

2) The Responsible Bureau will work with identified City staff and the complainant on options for resolution.

3) The Responsible Bureau will complete discrimination complaint investigations within sixty (60) business days after written notice of acceptance of the complaint. If the investigation is expected to exceed 60 business days, the Responsible Bureau will notify the complainant and the ADA Title II Manager of a revised timeline and the reason for the delay.

4) Once the investigation is complete, the Responsible Bureau must provide a written response to the complainant with the findings and actions by the Responsible Bureau. A written draft response will be sent to the ADA Title II Manager for review and comment at least five (5) business days prior to sending the final copy to the complainant. If the ADA Title II Manager does not submit comments within the five days, the Responsible Bureau will proceed with issuing the final written response to the complainant on or after the sixth day.

Monitoring

The Responsible Bureau must monitor implementation of any remedial actions and provide periodic updates to complainants on a schedule specified during resolution, copying the ADA Title II Manager.

Documentation and Reporting

- A) The Responsible Bureau must maintain a detailed file for each complaint, including intake, decision, relevant communications, steps taken, findings, and responses, which must be retained for at least five years.
- B) Bureaus and offices must collect data and submit relevant complaint information into the ADA Title II complaint tracking system as the complaint is investigated and resolved.
- C) OEHR will collect and retain complaint information from citywide tracking.
- D) Bureaus and offices must annually assess complaint data to monitor progress, inform quality improvement efforts, and support any other compliance activities including compliance reporting to the City and, as appropriate, to other agencies, as advised by the ADA Title II Manager and City Attorney.

Responsibility

- A) The OEHR Director is authorized to administer and monitor this Administrative Rule.
- B) The OEHR Director or designee is authorized to create forms to implement this Administrative Rule.
- C) The ADA Title II Manager is responsible for:
 - 1) supporting the OEHR Director in the administration and monitoring of the ADA Title II Complaint Procedures;
 - 2) providing ongoing citywide guidance for all bureaus and offices regarding ADA Title II complaints;
 - 3) maintaining a publicly accessible list of designated bureau/office ADA Title II Coordinators and any identified designees responsible for intake and management of ADA Title II complaints;
 - 4) developing and managing mechanisms and systems for ongoing citywide tracking of ADA Title II complaints, including informational materials;
 - 5) tracking, assessing, and reporting of citywide ADA Title II complaint data to demonstrate compliance; monitor compliance activities; inform training, resource needs, and quality improvement efforts to support ADA Title II compliance;
 - 6) providing a complaint form that is accessible to the public that can be used by all bureaus/offices for ADA Title II complaints;

7) providing technical assistance to designated bureau/office personnel in the determination of applicability, completeness, investigation, analysis, resolution, and coordination/referral when needed.

D) Each bureau, office, or other City agency is responsible for complying with this Administrative Rule, addressing ADA Title II complaints, and developing and implementing any procedures specific to the management of ADA Title II complaints within that bureau/office, including:

1) identifying personnel responsible for managing the intake, investigation, resolution, documentation, reporting, and tracking of all complaints;

2) developing specific steps for completing the complaint process including intake, evaluation, coordination, referral, determination of applicability and completeness, investigation, analysis, remedial action development, implementation, resolution, recordkeeping, communications, tracking and reporting in a citywide tracking system;

3) developing tools, process, and timeframes for evaluating data generated from tracked ADA Title II complaints;

4) disseminating and maintaining information regarding notification of rights, ADA Title II complaint management, bureau/office contact information, and tracking processes to ALL staff and to the public;

5) providing OEHR data on complaint tracking, monitoring, evaluating, reporting and all other citywide ADA Title II compliance activities.

HISTORY

Adopted by the Chief Administrative Officer January 10, 2014.

Filed for inclusion in PPD January 10, 2014.

Amended by Ordinance No. 186755, passed by City Council August 13, 2014 and effective September 12, 2014.

Amended by Director of Office of Equity and Human Rights September 19, 2019.

RESOLUTION No. 37450

Declare support for a robust standard of Civil Rights Title VI and ADA Title II compliance throughout City Bureaus and Offices and direct the Office of Equity and Human Rights to lead coordination by setting Citywide policies and accountability measures
(Resolution)

WHEREAS, in 1964 the federal government enacted the landmark Civil Rights Act of 1964. Included among the Civil Rights Act's eleven titles is Title VI, codified at 42 U.S.C. § 2000d et seq, which provides ground breaking protection from discrimination based on race, color, or national origin, in federally funded programs, services, and activities. The City of Portland receives federal funding and is subject to Title VI of the 1964 Civil Rights Act.

WHEREAS, on July 26, 1990 the Americans with Disabilities Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or deny persons with disabilities the benefits of the agency's services, programs, or activities; and

WHEREAS, on January 29, 1991 the City Council unanimously adopted Resolution No. 34945, which affirmed that all City programs, services, and activities are accessible to people with disabilities. The Council designated the City-County Affirmative Action Office to coordinate and implement the City's efforts to comply with Titles I and II of the Americans with Disabilities Act (ADA), including programs, services, activities, and employment; and

WHEREAS, on September 21, 2011 by Ordinance No. 184880, City Council created the Office of Equity and Human Rights to coordinate the work of City bureaus in helping the City become a leader in defining and achieving equitable outcomes and eliminating disparities among Portlanders; and

WHEREAS, on April 25, 2012, by Resolution No. 36918, the City adopted the Portland Plan as a strategic plan to guide future City decisions. As a core priority, the Portland Plan is organized around *A Framework for Equity* that calls for the City of Portland to comply with Civil Rights Title VI and Americans with Disabilities Act Title II as a foundation for equity. Building on this work, the 2035 Comprehensive Plan, adopted on June 15, 2016, is Portland's primary tool to implement the Portland Plan, providing a framework to ensure Portlanders more equitably share in the benefits and burdens of growth and development; and

WHEREAS, as obligated by Title VI of the Civil Rights Act, the City of Portland adopted the Civil Rights Title VI Plan on June 19, 2013 by Ordinance No. 186101 with the commitment to ensure that the City's programs, services, and activities do not exclude from participation in, deny the benefits of, or subject to discrimination (including both disparate treatment or disparate impact) on the basis of race, color, or national origin; and

WHEREAS, on October 9, 2013 by Ordinance No. 186277, City Council adopted the City of Portland American's with Disabilities Act (ADA) Title II Non-discrimination Policy which reaffirmed the City's commitment to nondiscrimination on the basis of disability and to compliance with Title II of the ADA; and

WHEREAS, City Code Chapter 3.128.030 authorizes the Director of the Office of Equity and Human Rights to implement the policy directives of the City Council and the Commissioner-in-Charge, and to adopt and administer rules, policies, and practices to achieve the purpose of the Office; and

WHEREAS, on December 13, 2016 an Audit report: "Americans with Disabilities Act: Coordination gaps complicate City response" (Report #476) recommended clarifying roles and responsibilities between the Office of Equity and Human Rights and City bureaus in responding to requests and complaints, as well as in identifying, collecting, and analyzing data to improve access and services; and

WHEREAS, the City of Portland and its bureaus are committed to upholding the rights of all its people, and especially those most impacted by discrimination on the basis of race, color, national origin and disabilities; and

WHEREAS, the City acknowledges the role of government in addressing the pervasive disparities faced by people of color and people with disabilities, and acknowledges its responsibility in addressing the inequitable and adverse impacts of discriminatory policies on marginalized communities; and

WHEREAS, the City is committed to ensuring that all public plans, policies, programs, services and activities be designed, implemented, evaluated and delivered in a manner that advances equity, improves quality of life, and reduces disparities.

NOW, THEREFORE BE IT RESOLVED that the City Council and City Bureaus recommit to the principles, assurances, administration and implementation of Civil Rights compliance laid out through the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1991; and

BE IT FURTHER RESOLVED, the City Council directs the Office of Equity and Human Rights to establish overall City policies, plans, and strategies; and

BE IT FURTHER RESOLVED that all City Bureaus and Offices will implement plans, policies, and procedures based on these Citywide standards and rules to achieve ADA Title II and Civil Rights Title VI compliance; and

BE IT FURTHER RESOLVED, the Council directs the Office of Equity and Human Rights to establish overall City tracking and accountability measures for Civil Rights compliance; and

BE IT FURTHER RESOLVED the City Council directs the Office of Equity and Human Rights to assist with, facilitate, monitor, and evaluate implementation of Civil Rights Title VI and ADA Title II compliance by City bureaus; and

37450

BE IT FURTHER RESOLVED that Civil Rights Title VI and ADA Title II compliance is integral to the mission of Office of Equity and Human Rights, and the Office will report annually to City Council on progress in achieving Citywide Civil Rights Title VI and ADA Title II compliance as part of its annual report; and

BE IT FURTHER RESOLVED, that this Resolution is binding City policy.

Passed by the Council: OCT 02 2019

Commissioner Amanda Fritz

Prepared by: Danielle Brooks and Nickole Cheron

Date Prepared: September 17, 2019

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

Agenda No.

RESOLUTION NO. 37450

Title

Declare support for a robust standard of Civil Rights Title VI and ADA Title II compliance throughout City Bureaus and Offices and direct the Office of Equity and Human Rights to lead coordination by setting Citywide policies and accountability measures (Resolution)

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Fritz</p>	<p>CLERK USE: DATE FILED <u>SEP 24 2019</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration – Wheeler</p> <p>Position 1/Utilities - Fritz <i>[Signature]</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OEHR Bureau Head: Markisha Smith <i>[Signature]</i></p>	
<p>Prepared by: Nickole Cheron; Danielle Brooks Date Prepared: 09/17/2019</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date 10/2/2019</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:15 AM</u></p> <p>Total amount of time needed: <u>30Min</u> (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	_____	
Wheeler	Wheeler	✓	

Exhibit 114 to Marion Decl.



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ADM-18.32 - Civil Rights Title VI and ADA Title II Compliance

Policy type: [Binding City Policies \(BCP\)](#)

Policy category: [Racial Equity Goals and Strategies](#)

Policy number: ADM-18.32

CIVIL RIGHTS TITLE VI AND ADA TITLE II COMPLIANCE

Binding City Policy

BCP-ADM-18.32

Search Code, Charter,
Policy

Keywords

Search

PURPOSE

WHEREAS, in 1964 the federal government enacted the landmark Civil Rights Act of 1964. Included among the Civil Rights Act's eleven titles is Title VI, codified at 42 U.S.C. § 2000d et seq, which provides ground breaking protection from discrimination based on race, color, or national origin, in federally funded programs, services, and activities. The City of Portland receives federal funding and is subject to Title VI of the 1964 Civil Rights Act.

WHEREAS, on July 26, 1990 the Americans with Disabilities Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or deny persons with disabilities the benefits of the agency's services, programs, or activities; and

WHEREAS, on January 29, 1991 the City Council unanimously adopted Resolution No. 34945, which affirmed that all City programs, services, and activities are accessible to people with disabilities. The Council designated the City-County Affirmative Action Office to coordinate and implement the City's efforts to comply with Titles I and II of the Americans with Disabilities Act (ADA), including programs, services, activities, and employment; and

WHEREAS, on September 21, 2011 by Ordinance No. 184880, City Council created the Office of Equity and Human Rights to coordinate the work of City bureaus in helping the City become a leader in defining and achieving equitable outcomes and eliminating disparities among Portlanders; and

WHEREAS, on April 25, 2012, by Resolution No. 36918, the City adopted the Portland Plan as a strategic plan to guide future City decisions. As a core priority, the Portland Plan is organized around *A Framework for Equity* that

calls for the City of Portland to comply with Civil Rights Title VI and Americans with Disabilities Act Title II as a foundation for equity. Building on this work, the 2035 Comprehensive Plan, adopted on June 15, 2016, is Portland's primary tool to implement the Portland Plan, providing a framework to ensure Portlanders more equitably share in the benefits and burdens of growth and development; and

WHEREAS, as obligated by Title VI of the Civil Rights Act, the City of Portland adopted the Civil Rights Title VI Plan on June 19, 2013 by Ordinance No. 186101 with the commitment to ensure that the City's programs, services, and activities do not exclude from participation in, deny the benefits of, or subject to discrimination (including both disparate treatment or disparate impact) on the basis of race, color, or national origin; and

WHEREAS, on October 9, 2013 by Ordinance No. 186277, City Council adopted the City of Portland American's with Disabilities Act (ADA) Title II Non-discrimination Policy which reaffirmed the City's commitment to nondiscrimination on the basis of disability and to compliance with Title II of the ADA; and

WHEREAS, City Code Chapter 3.128.030 authorizes the Director of the Office of Equity and Human Rights to implement the policy directives of the City Council and the Commissioner-in-Charge, and to adopt and administer rules, policies, and practices to achieve the purpose of the Office; and

WHEREAS, on December 13, 2016 an Audit report: "Americans with Disabilities Act: Coordination gaps complicate City response" (Report #476) recommended clarifying roles and responsibilities between the Office of Equity and Human Rights and City bureaus in responding to requests and complaints, as well as in identifying, collecting, and analyzing data to improve access and services; and

WHEREAS, the City of Portland and its bureaus are committed to upholding the rights of all its people, and especially those most impacted by discrimination on the basis of race, color, national origin and disabilities; and

WHEREAS, the City acknowledges the role of government in addressing the pervasive disparities faced by people of color and people with disabilities, and acknowledges its responsibility in addressing the inequitable and adverse impacts of discriminatory policies on marginalized communities; and

WHEREAS, the City is committed to ensuring that all public plans, policies, programs, services and activities be designed, implemented, evaluated and delivered in a manner that advances equity, improves quality of life, and reduces disparities.

POLICY

NOW, THEREFORE BE IT RESOLVED that the City Council and City Bureaus recommit to the principles, assurances, administration and implementation of Civil Rights compliance laid out through the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1991; and

BE IT FURTHER RESOLVED, the City Council directs the Office of Equity and Human Rights to establish overall City policies, plans, and strategies; and

BE IT FURTHER RESOLVED that all City Bureaus and Offices will implement plans, policies, and procedures based on these Citywide standards and rules to achieve ADA Title II and Civil Rights Title VI compliance; and

BE IT FURTHER RESOLVED, the Council directs the Office of Equity and Human Rights to establish overall City tracking and accountability measures for Civil Rights compliance; and

BE IT FURTHER RESOLVED the City Council directs the Office of Equity and Human Rights to assist with, facilitate, monitor, and evaluate implementation of Civil Rights Title VI and ADA Title II compliance by City bureaus; and

BE IT FURTHER RESOLVED that Civil Rights Title VI and ADA Title II compliance is integral to the mission of Office of Equity and Human Rights, and the Office will report annually to City Council on progress in achieving Citywide Civil Rights Title VI and ADA Title II compliance as part of its annual report; and

BE IT FURTHER RESOLVED, that this Resolution is binding City policy.

HISTORY

Resolution No. 37450, adopted by City Council October 2, 2019.

General information

✉ cityinfo@portlandoregon.gov

📞 [503-823-4000](tel:503-823-4000)

☎ [503-823-6868](tel:503-823-6868) TTY

🗉 [711](#) Oregon Relay Service

City of Portland, Oregon



Police Bureau

Sworn to protect. Dedicated to serve.

Phone: 503-823-0000 Non-Emergency: 503-823-3333 1111 S.W. 2nd Avenue, Portland, OR 97204

More Contact Info (<http://www.portlandoregon.gov/police/article/492458>)



Translation, Interpretation and Accommodation

Translation, Interpretation and Accommodation

Accommodations provided by the Portland Police Bureau

The City of Portland operates in accordance with Title VI of the Civil Rights Act of 1964 (<http://www.portlandoregon.gov/oehr/66521>), the Americans with Disabilities Act (<http://www.portlandoregon.gov/oehr/66522>), ORS Chapter 659 A, Portland City Code Title 23, and other related statutes and regulations, such that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any City program, service or activity on the basis of race, color, national origin, English proficiency, disability, sex, age, religion, sexual orientation, gender identity, marital or familial status, or source of income.

The City of Portland also requires its contractors, vendors and grantees to operate likewise.

To help ensure access to City programs, services, and activities, the City of Portland reasonably: provides language translation and interpretation for limited English proficiency individuals; modifies policies and procedures; and, provides auxiliary aids, services and/or alternative formats to persons with disabilities.

To request an accommodation, modification, translation, interpretation or language service; to file a complaint; or for additional information or questions on Civil Rights Title VI and ADA Title II matters (race, color, national origin, English proficiency, and disability nondiscrimination in public City programs, services, activities): contact the Portland Police Bureau Civil Rights Title VI and ADA Title II coordinator by phone at 503-823-0653, Email Message (<http://www.portlandoregon.gov/police/article/421338>), TTY at 503-823-6868, or Oregon Relay Service at 711.

The City of Portland operates in accordance with Title VII of the Civil Rights Act, Title I of the ADA, and other related statutes, regulations and City rules. For requests, questions, complaints, or for additional information related to Employment and Civil Rights, please review Human Resources Administrative Rule 2.01, Equal Opportunity/Affirmative Action and Human Resources Administrative Rule 2.02, Prohibition Against Workplace Harassment, Discrimination and Retaliation on the Bureau of Human Resources website (tab Administrative Rules) or contact our Bureau of Human Resources by phone at 503-823-3572, TTY at 503-823-6868, or Oregon Relay Service at 711.

ADA Considerations during Demonstrations/Protest

Information about Portland Police Bureau's Crowd Control during Protesting:

The intent of law enforcement, during demonstrations, is to provide a safe environment for all participants, non-participants, and community members while ensuring the peaceful exercise of the First Amendment.

The Portland Police Bureau's Directive, 0635.10 Crowd Management/Crowd Control can be found at:

<https://www.portlandoregon.gov/police/article/649358>

PPB proactively pushes out messaging in a variety of formats (Twitter, Flash Alerts, press releases) to increase public safety and awareness during protest. Because PPB is not hosting these events we do not readily provide ASL interpretation. People with disabilities attending events who may experience challenges in receiving information should consider bringing a companion. PPB is currently looking into alternative ways to communicate with the disability community and will be creating opportunities for community to inform this work. Currently, the bureau messaging around protest can be found in the following areas:

Twitter account: @PortlandPolice

Flash Alerts: flashalertnewswire.net

YouTube: <https://www.youtube.com/portlandpolice>

Press for active events currently have transcripts posted as soon as possible.

Predeveloped videos/recordings have closed captions.

Mass gathering events are dynamic in nature and it may be necessary to close streets the day of the events for the public's safety. If this is done, PBOT will receive a detailed description of which streets will be closed, so that they may inform organizations that serve and support people with disabilities and other vulnerable populations. Additionally, this information will also be shared on PPB's twitter for the broader community. If you are attending an event and a street closure would create a significant barrier please check the Bureaus twitter.

Force is not the preferred response for making arrests or keeping an area safe, but it is an option law enforcement personnel may utilize to prevent violence, protect themselves or others, or disperse a crowd, for example. Force options may include, but are not limited to: physical force, pepper spray and rubber ball distraction devices. If you are a person with a disability that would be vulnerable to the chemicals or projectiles it is advised you vacate the premises immediately when a call to disperse is made.

While PPB tries to accommodate the needs of people with disabilities attending demonstrations and other events PPB has no control over the way a protest crowd acts. When a crowd begins to throw projectiles and sets fires and needs to be dispersed the following procedures could cause challenges for people with disabilities:

Pepper Spray: Chemical compound made of pepper that will burn irritate eyes, throat and breathing.

Physical Force: Physical interactions intended to separate, guide and/or control groups/individuals.

It is imperative for those attending protest to listen to the admonishments from the sound trucks, law enforcement personnel and/or twitter to reduce the likelihood of being subject to force. For individuals that are deaf and hard of hearing we recommend following our twitter where majority of the content we post is text.

Force is only used as a last resort. We traditionally give multiple warnings but this may vary depending on the circumstances.

The Portland Police Bureau's liaison teams attempt to work with all event organizers to establish an environment where community members may safely practice their First Amendment Rights of speech and assembly. The Police Bureau Liaison Teams are available to assist event organizers in planning a safe event for participants, Portland community members, and businesses. Liaison Officers may be contacted at: PPBLiaison@portlandoregon.gov or through its Twitter account: @PPBLiaison. If you plan on attending a demonstration please keep up to date by following us on twitter (@PortlandPolice) and/or signing up for flash alerts at flashalertnewswire.net.

Right to Reasonable Accommodation

It is the policy of the City of Portland that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any city program, service, or activity on the grounds of race, color, national origin, disability, or other protected class status. Adhering to Civil Rights Title VI and ADA Title II civil rights laws, the City of Portland ensures meaningful access to City programs, services, and activities by reasonably providing: translation and interpretation, modifications, accommodations, alternative formats, and auxiliary aids and services. If you have any accommodation or accessibility needs please email Marlon.Marion@portlandoregon.gov (<http://www.portlandoregon.gov/mailto:Marlon.Marion@portlandoregon.gov>). Request for accommodations are reviewed within 48 hours of receiving the email.

Filing an Officer Commendation or Complaint

If you have an officer commendation or complaint please go to <https://www.portlandoregon.gov/ipr/52031> (<http://www.portlandoregon.gov/ipr/52031>) to file it with IPR.

Office of Equity and Human Rights

Realizing Equity. Enhancing the City of Portland.

Phone: 503-823-4433 Fax: 503-823-4420 421 SW 6th Avenue, Suite 500, Portland, OR 97204

More Contact Info (<http://www.portlandoregon.gov/oehr/article/447657>)



Request an Accommodation or Contact a Bureau ADA Coordinator

To request an accommodation, alternative format of communication, ASL interpreter or modification of policies and procedures in order to access City of Portland programs, services and activities, please contact the ADA Coordinator for the responsible bureau as soon as possible but no later than five business days before the program or event. The ADA Coordinators are listed in the link below.

List of Bureau ADA Coordinators and Equity Managers (<http://www.portlandoregon.gov/oehr/66525?a=454403>)
